



~~November 5, 2003 BZA~~  
December 3, 2003 BZA

REQUEST ANALYSIS  
AND  
RECOMMENDATION

04AN0137  
(AMENDED)

Joanne C. Cimino and Fred J. Cimino, III

Bermuda Magisterial District  
10340 Hamlin Drive

REQUEST: A 0.3 foot Variance to the thirty-five (35) foot front yard setback requirement for an attached garage.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is located at 10340 Hamlin Drive. Tax ID 788-663-3005 (Sheet 26).

Existing Zoning:

R-12

Size:

.345 acre

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Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential

South - R-12; Residential

East - R-12; Residential

West - R-12; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential  
(1.01 to 2.5 units per acre)

DISCUSSION

The applicants are proposing to construct an addition to the southwest side of the dwelling. The applicants have indicated the addition will be located 34.7 feet from the front property line. The Zoning Ordinance requires a thirty-five (35) foot setback requirement in a Residential (R-12) District. Therefore, the applicants request a 0.3 foot Variance (see attached plats).

The applicants provide the following justification in support of this request:

This request is to build a two (2) car garage. The only space large enough to accommodate it is on the front of the lot. Other locations would encroach on adjacent setbacks for two (2) adjoining lots.

Staff visited the site which is located in the Glen Oaks Subdivision.

Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21.(b)) has not been met. The applicants could reduce the size of the proposed garage, thereby meeting the setback requirements.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to this addition only. Other additions could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the garage as depicted on the plats (04AN0137 – 2 and 3) attached to staff's report.

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CASE HISTORY

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11/5/03:

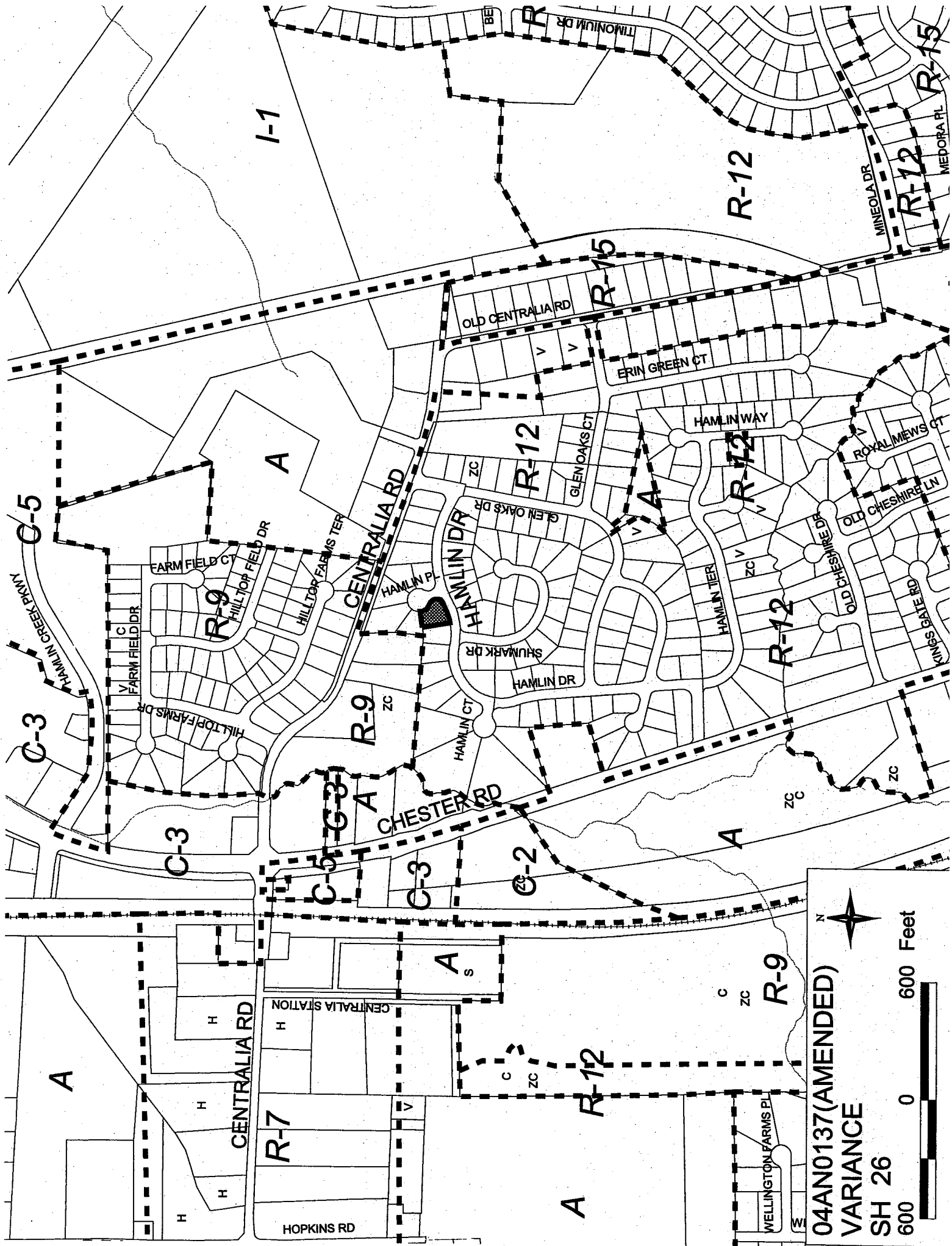
The Board deferred this request to their December 3, 2003, meeting to allow the applicants an opportunity to amend the application.

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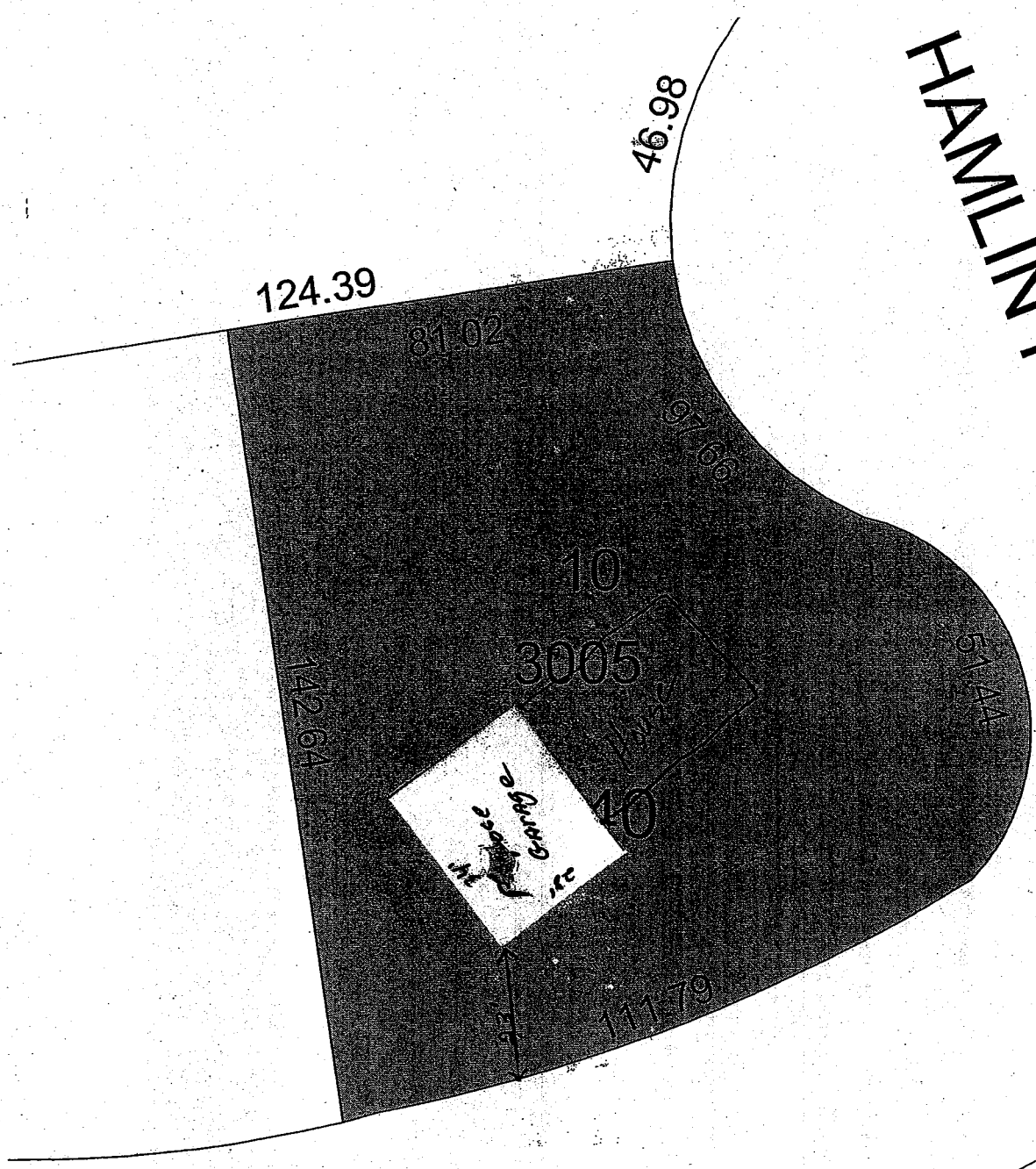
11/7/03:

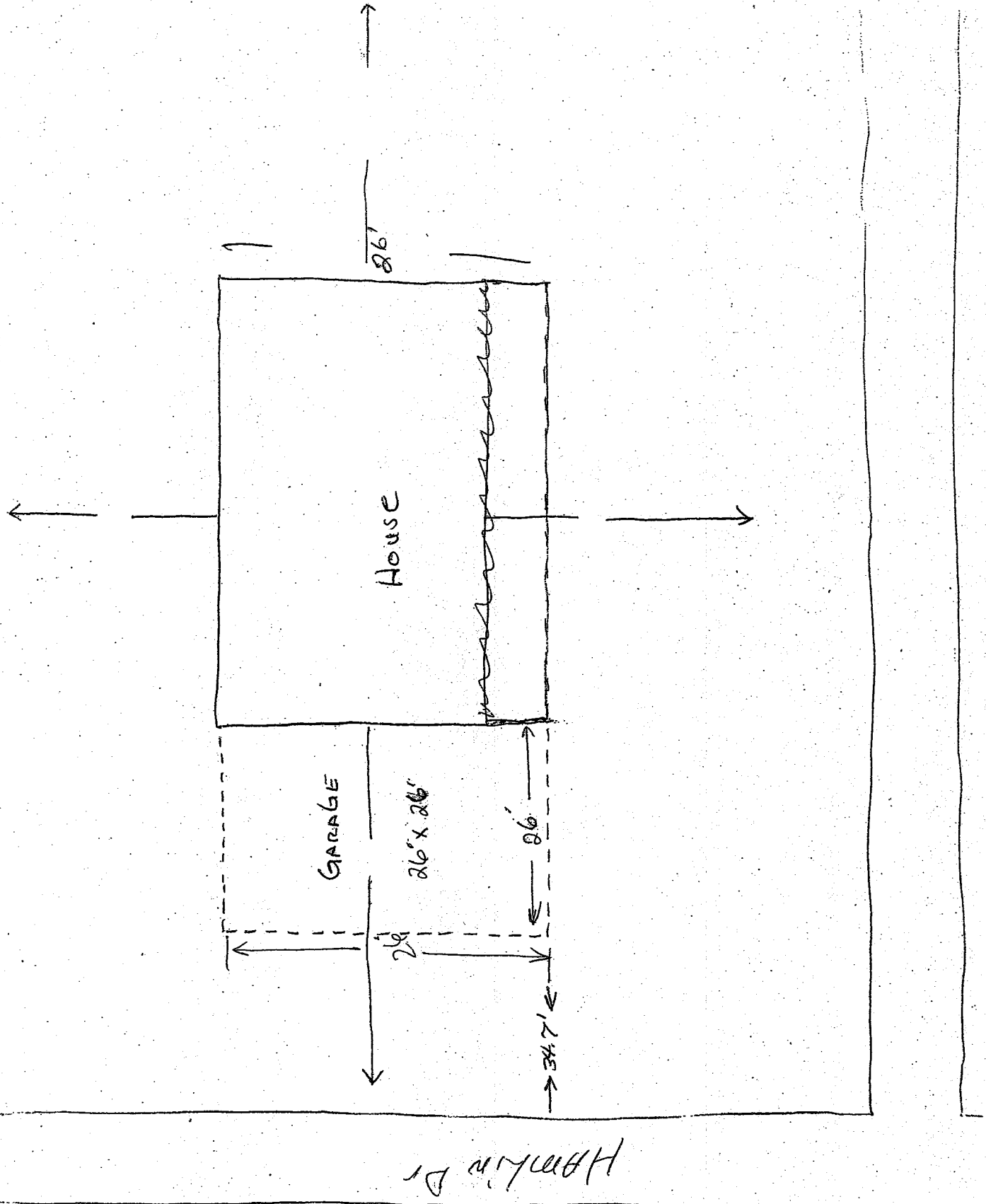
The applicants reduced the request to a 0.3 foot Variance, amended the application and provided new graphics. The new graphics indicated the proposed garage will be twenty-six (26) by twenty-six (26) feet.

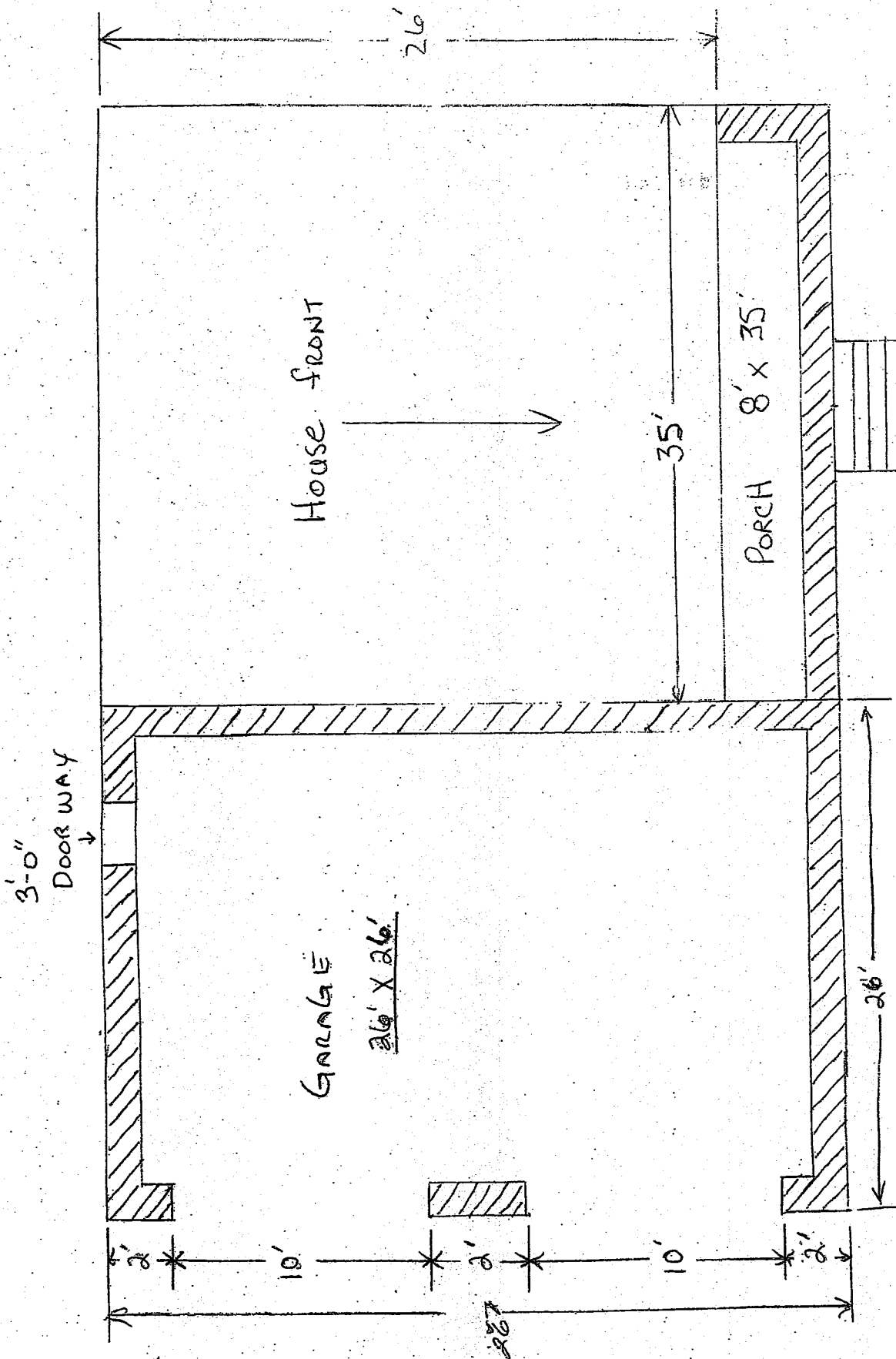
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HAMILIN PL







FOOTING PLAN